



US Army Corps  
of Engineers

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

Regulatory Branch  
333 Market Street  
San Francisco, CA 94105-2197

NUMBER: 28483N      DATE: February 12, 2004  
RESPONSE REQUIRED BY: March 11, 2004

PERMIT MANAGER: Carol Heidsiek

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**1. INTRODUCTION:** Ms. Ann Glubczynski Humboldt County Department of Public Works (HCPW) 1106 Second Street Eureka, California 95501, (Contact Ms. Glubczynski at (707) 445-7741), has applied for an individual U.S. Army, Corps of Engineers (Corps) permit to extract gravel from the Charles Bar on Larabee Creek for use in constructing and maintaining County roads and other infrastructures as needed. This individual permit application is requesting up to 25,000 cubic yards of gravel over a three-year period. The Charles Bar is located on Larabee Creek at approximately river miles 19-20. This location is 500 feet northeast of Alderpoint Road, 5.5 miles north of the town of Blocksburg in Section 36, Township 1 South, Range 4 East, HB&M Blocksburg 7.5' USGS Quadrangle Map, in Humboldt County, California (see maps on sheets 1-2 of 4). The site location is APN: 217-053-04. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

## 2. PROPOSED PROJECT:

**Project Site:** Larabee Creek is a tributary to the Eel River. It is 23 miles long. The project area is referred to as Charles Bar and is part of an alluvial fan, which was created by the introduction of massive sediment loads from the tributary watersheds of Thurman, Boulder Flat, and Hayfield Creeks. The length of this feature is about 2,400 feet. The width is 400-1,000 feet. It is estimated that up to 1,000,000

cubic yards of gravel are stored at this site. There are no alternating or discrete gravel bars at this location. The Larabee Creek channel is poorly confined and braided in this area. During the summer months, the flow goes completely subsurface to a depth of up to 16 feet. The primary extraction area is indicated on the site plan on sheet 3 of 4 labeled "Charles Bar/Larabee Creek Site Plan" (June 15, 2003).

**Project Description:** HCPW proposes to extract up to 25,000 cubic yards of gravel every three years. It is anticipated that trenching will be the preferred extraction method for this site, based on the topography of the bar and the lack of low-flow channel during the summer and autumn months. Trenching may improve fish passage and habitat in this reach of Larabee Creek. Dry trenching, where a trench is dug on a dry, exposed gravel bar is likely to be the most preferred method. In the event of dry trenching, a fish rescue plan shall be prepared with the guidance of National Marine Fisheries Service (NOAA Fisheries) after trenching is completed and high stream flows occur. The trench will be monitored for stranded fish until connection with the natural channel is established or the trench is filled in with gravel. The depth of the trench will be determined by the reach of the equipment being used and recommendations by the Humboldt County Extraction Review Team (CHERT).

There is the possibility that skimming may be used as an extraction method at this site. In the event

skimming is used, a minimum vertical offset of 1 foot will be implemented.

Equipment used for extraction will consist of a bulldozer, backhoe, front-end loader, dump trucks, and a portable rock crusher assembly (jaw crusher, conveyors, generator). The bar will be accessed via the existing road. The crusher assembly will be set up on the gravel bar in a CHERT-approved location. Working within the preset cut stakes, the bulldozer and/or backhoe will remove gravel from the area and create temporary piles on the bar. The front-end loader will transport the piled gravel to the crusher, feed the crusher, and then load the crushed gravel into dump trucks for transport to the stockpile locations.

**Mitigation:** The applicant has proposed the following minimization measures to minimize impacts to federally listed salmonids:

1. Bar skimming shall be performed with a minimum vertical offset as designated by CHERT to reduce any impacts reduced bar height may have on the channel.
2. A fish rescue plan shall be prepared with the guidance of NOAA Fisheries after dry trenching is completed and high stream flows occur. The trench will be monitored for stranded fish until connection with the natural channel is established or the trench is filled in with gravel.
3. Monitoring will consist of continued annual surveys of preset monitoring cross sections as outlined in previous Corps' Letters of Permission (see "Monitoring Cross Section Locations" on sheet 4 of 4). Surveys will be used to compile an annual report to the Corps, which will contain survey data, cross sections, and thalweg profiles. The report will be submitted by the end of each calendar year.

### **3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:**

**National Environmental Policy Act of 1969 (NEPA):** The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations, 40 C.F.R. Part 1500-1508, and Corps' Regulations, 33 C.F.R. Part 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction.

**Endangered Species Act of 1973 (ESA):** Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. Species and critical habitat currently identified as potentially impacted by the proposed project include: Northern California steelhead, Southern Oregon/Northern California coho salmon, and California coastal Chinook salmon.

**Magnuson-Stevens Fisheries Conservation and Management Act:** NMFS and several interagency fisheries councils have designated specific water bodies as Essential Fish Habitat (EFH) in accordance with the Magnuson-Stevens Fisheries Conservation and Management Act. Specific EFH concerns associated with this proposal include the Eel River and its tributaries. Coordination with the NMFS in regard to EFH will be initiated concurrently with the ESA consultation, if necessary.

## **Clean Water Act of 1972 (CWA):**

**a. Water Quality:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the North Coast Regional Water Quality Control Board Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403 by the close of the comment period of this Public Notice.

**b. Alternatives:** Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). The applicant has submitted an Analysis of Alternatives for the project and it will be reviewed for compliance with the guidelines. The applicant states that there are no practicable alternative for his project. An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water dependent.

**National Historic Preservation Act of 1966 (NHPA):** Based on a review of survey data on file with various City, State, and Federal agencies, no

historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

**4. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

**5. CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in

the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

**6. SUBMISSION OF COMMENTS:** Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Carol Heidsiek of our office by telephone at 707-443-0855 or by E-mail at Carol.A.Heidsiek@spd02.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided upon request.